

The Standards must be read in conjunction with the Rules Governing the State Bar of California Program for Certifying Legal Specialists, which govern the Program requirements.

**THE STANDARDS FOR CERTIFICATION AND RECERTIFICATION IN FAMILY LAW**  
(last revised effective 5/16/08)

**1.0 DEFINITION**

Family law is the practice of law dealing with all aspects of the California Family Code and including, but not limited to, the following: taxation issues incident to family law practice; contempt; enforcement proceedings; mediation and/or negotiation of family law disputes; psychological and counseling aspects of family law; family law writ and appellate practice; postmarital agreements; nonmarital domestic relationships; child custody in any forum; and public enforcement of child support.

within the definition of family law in section 1.0 of these standards, and which are three hours or more in length and involve testimony of witnesses; or other alternative task and experience which the advisory commission deems to substantially comply with the foregoing task and experience requirement, including but not limited to:

**2.0 TASK REQUIREMENT FOR CERTIFICATION**

2.1 An applicant must demonstrate that, within the five years immediately preceding submission of the written application, he or she has been substantially involved in the practice of family law, which shall include actual experience in each of the following areas:

- 2.1.1 Restraining orders/domestic violence proceedings;
- 2.1.2 Dissolution of marriage, legal separation, or nullity of marriage litigation;
- 2.1.3 Custody of children
- 2.1.4 Child support;
- 2.1.5 Spousal support;
- 2.1.6 Modification of support;
- 2.1.7 Division of community property;
- 2.1.8 Confirmation of separate property;
- 2.1.9 Taxation issues incident to dissolution of marriage;
- 2.1.10 Contempt and/or enforcement proceedings;
- 2.1.11 Mediation and/or negotiation of family law disputes; and
- 2.1.12 Psychological and counseling aspects of dissolution of marriage.

2.2.2.1 Evidentiary hearings or trials in other practice areas;

2.2.2.2 Sitting as pro tem judge or arbitrator in contested hearings or trials under the California Family Code or within the definition of family law in section 1.0 of these standards;

2.2.2.3 Successful completion of a recognized trial advocacy program that conforms to guidelines developed by the Family Law Advisory Commission;

2.2.3 Principal counsel in a minimum of 30 negotiated family law judgments or negotiated marital settlement agreements;

2.2.4 Principal counsel in 30 stipulated temporary family law orders; or

2.2.5 Principal counsel and principal author of the briefs in three California family law appeals in which an opinion was filed.

Principal counsel is the attorney who spends a majority of the time on a case in the activities of preparation, review, filing and representing a client at an interview or hearing. There can be only one principal counsel per case.

2.2 A prima facie showing of substantial involvement in the area of family law is made by completion of at least four of the following five categories:

- 2.2.1 Principal counsel in 20 contested family law hearings involving one or more issues set forth in section 2.1, submitted to a court for a decision;
- 2.2.2 Principal counsel in five hearings or trials under the California Family Code which are

**3.0 EDUCATIONAL REQUIREMENT FOR CERTIFICATION**

An applicant must show that, within the three years immediately preceding the application for certification, he or she has completed not less than 45 hours of educational activities specifically approved for family law as follows:

- 3.1 Not less than nine hours in the areas of dissolution of marriage, contempt and/or enforcement, or mediation and/or negotiation of family law disputes;
- 3.2 Not less than six hours in the area of custody of children;
- 3.3 Not less than nine hours in the areas of child support, spousal support, or modification of support;
- 3.4 Not less than 12 hours in the areas of division of community property, confirmation of separate

property, or taxation issues incident to dissolution of marriage;

- 3.5 Not less than six hours in the area of psychological and counseling aspects of dissolution of marriage; and
- 3.6 Not more than three hours in the following areas:
  - 3.6.1 Paternity litigation;
  - 3.6.2 Adoption litigation;
  - 3.6.3 Problems of the nonmarital family;
  - 3.6.4 Writs and appeals from dissolution of marriage, legal separation or nullity of marriage litigation;
  - 3.6.5 Proceedings to free a minor from the custody and control of parent(s);
  - 3.6.6 Problems of domestic violence;
  - 3.6.7 Guardianships of the person or children; and
  - 3.6.8 Law office management of a family law practice.

#### **4.0 TASK REQUIREMENT FOR RECERTIFICATION**

- 4.1 An applicant for recertification must show that, during the current five-year certification period, he or she has participated in a total of 50 of the following proceedings in any combination:
  - 4.1.1 Contested hearings or trial proceedings under the California Family Code, or within the definition of family law, section 1.0 of these standards, which are three hours or more in length and involving testimony of witnesses;
  - 4.1.2 Negotiated or mediated family law judgments, property settlement agreements, marital settlement agreements, stipulated temporary or post judgment orders and/or stipulated appeal settlements;
  - 4.1.3 Acted as mediator, arbitrator, evaluator, or special master in any of the proceedings delineated in section 1.0 of these standards.
- 4.2 Compliance with the foregoing requirements may be demonstrated, in the discretion of the Commission, by sworn statement that the applicant has engaged in the practice of family law substantially to the same extent as described in the application for original certification.

#### **5.0 ALTERNATIVE TO TASK REQUIREMENT FOR RECERTIFICATION**

As an alternative to the task requirements listed in section 4.0 above, an applicant may qualify by completing any of the following:

- 5.1 One-half day superior court family law pro tem judge service in contested hearings or trials shall be the equivalent of two contested hearings or trials;
- 5.2 Teaching a minimum of 50 actual hours of educational programs approved by the Commission

shall be the equivalent of 15 contested hearings or trials;

- 5.3 Preparation of a case for contested proceedings under the California Family Code or within the definition of family law, section 1.0 of these standards, shall be equivalent to a contested hearing or trial;
- 5.4 Acting as principal counsel and principal author of the pleadings and briefs in 12 appeals and/or writs filed with a Court of Review, involving proceedings under the California Family Code or within the definition of family law, section 1.0 of these standards;
- 5.5 Acting as principal counsel and principal author of the pleadings and briefs in one appeal and/or writ filed with a Court of Review, involving proceedings under the California Family Code or within the definition of family law, section 1.0 of these standards, shall be the equivalent of four contested hearings or trials.

#### **6.0 EDUCATIONAL REQUIREMENT FOR RECERTIFICATION**

An applicant for recertification must show that, during the current five-year certification period, he or she has completed not less than 60 hours of educational activities specifically approved for family law, of which not less than six nor more than 10 hours shall be in psychological and counseling aspects of family law.